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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

MICHAEL FIRESTONE and LINDSAY
BERSCHAUER, individually and as husband
and wife; KATERINA EYRE, an individual;
TAYLER HAYWARD, an individual; LISA
LEDSON, an individual, THOMAS REILLY,
an individual, and GERALD EARL
CUMMINGS, II, an individual,

Case No: 3:24-cv-01034-SI

**DECLARATION OF LINDSAY
BERSCHAUER**

Plaintiffs,

v.

JANET YELLEN, in her official capacity as the
Secretary of the United States Department of the
Treasury, UNITED STATES DEPARTMENT
OF THE TREASURY, and ANDREA GACKI,
in her official capacity as Acting Director of the
Financial Crimes Enforcement Network,

Defendants.

Declaration of Lindsay Berschauer

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ATTORNEYS AT LAW

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I, Lindsay Berschauer, make the following declaration under penalty of perjury pursuant to the laws of the United States:

1. I am over the age of 18, am under no legal disability, and am competent to testify.

If called as a witness, I would and could testify competently to the facts set forth in this declaration based on my personal knowledge.

2. I am the organizer, registered agent, and President of Leona Consulting Co. I do not hold this corporation jointly with my spouse, Michael Firestone, who is also a plaintiff in this litigation. I am a beneficial owner of this corporation.

3. Leona Consulting Co. is an Oregon limited company with operations wholly in the state of Oregon.

4. Leona Consulting Co. is a small business that provides support to clients who want to deliver a message to members of the public. Leona Consulting Co. offers digital branding, marketing, broad-based marketing strategies, and business growth consulting. The company further supports clients that are candidates running for public office; political action committees seeking to support or oppose public policy outcomes and elections of candidates; individuals who want to affect political speech and messaging on behalf of themselves or others with whom they associate; and grass roots organizations whose efforts are wholly comprised of support or opposition for public policy outcomes and elections of candidates to public office.

5. All of Leona Consulting Co. clients provide my firm with budget, spending authority, and their campaign directions and instructions for Leona Consulting Co. to execute on the client's behalf. For political clients, these efforts result in the dissemination of the client's pure political speech. This is a protected First Amendment activity.

6. As a marketing and consulting firm, the only portion of Leona Consulting Co.'s revenues for which I am direct control are the profits I am paid from executing my clients' speech activities. For political clients, I only accept clients whose personal ideologies, political ideologies, and/or religious beliefs that inform their speech with respect to political policy

matters align with my own values. In this way, Leona Consulting Co. is associating with clients to engage in shared pure political speech. Within my understanding of the requirements of Corporate Transparency Act (“CTA”), I would be required to disclose to the Financial Crimes Enforcement Network the names, dates of birth, and identification of every one of my clients. In this way, the CTA violates my rights and the rights of my clients to be free to associate without government intrusion. Further, I believe providing such information to the Financial Crimes Enforcement Network would subject me, and my clients, to warrantless search in violation of our Fourth Amendment freedoms.

7. Leona Consulting Co. is not required to disclose the identities of its beneficial owners as a condition of registering to do business in Oregon. Further, Leona Consulting Co. is not required to disclose the names of individual people engaging in pure political speech when such pure political speech is being funded by a 501c4 organization. Even in the construct of political donations that are required to be reported in Oregon’s campaign finance database, the only reporting requirements in Oregon’s political campaign finance reporting system are for the name, date, and the amount of a donation contributed in furtherance of engaging in political speech. While that basic information is available for public search, for the Oregon Secretary of State to obtain access to any additional information about a political speech donor, that access must be in furtherance into an investigation of unlawful activity and the subject of such a search is afforded due process.

8. In addition to being President of Leona Consulting Co., I am currently a Yamhill County Commissioner. My reasonable fears about loss of right to privacy related to any possible client, and particularly in light of filing this litigation, spilled over into my campaign for re-election, with people accusing me of “hiding money laundering activity” and where people in support of my political opponent sought to dox or otherwise find ways to gain knowledge about my clients I have worked with so that my opponent and his surrogates might cause them harm.

9. The filing of this litigation has already resulted in direct retaliation for engaging

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in the kind of pure political speech that I reasonably fear for myself, and clients should my free speech rights be chilled by the CTA. My counsel for this litigation, Julie Parrish, is a former Leona Consulting Co. client dating back to her time as an Oregon State Representative. The current campaign manager for my political opponent in the county commission race, citing my company and this litigation, filed a bar complaint against Ms. Parrish. Though it has since been dismissed, it is a real example of my fear, not conjecture, that being required to disclose my clients' sensitive information to the Financial Crimes Enforcement Network could subject them to political retaliation for engaging my company to facilitate their pure political speech. In this example, the CTA is already showing it has the power to chill political speech and discourage people from engaging in pure political speech should they be forced to have to register with the Financial Crimes Enforcement Networks merely by hiring a company like mine to facilitate their pure political speech.

10. As an entity registered in 2013 with the Oregon Secretary of State, Leona Consulting Co. will be required to comply with the Corporate Transparency Act ("CTA") and must file its beneficial ownership reports with the Financial Crimes Enforcement Network ("FinCEN") no later than January 1, 2025.

11. Leona Consulting Co. would be forced into an untenable position if required to comply with the CTA because disclosing the sensitive information of those with substantial control over my company would subject them to warrantless search by federal law enforcement agencies, including federal agencies that have the power to investigate and prosecute individuals for activities and behavior which might be deemed to be subversive to one political ideology over another.

12. My reasonable fears over having to submit this information to the US Treasury Department are further reinforced by confirmed media reports that sensitive information of American taxpayers was leaked for political purposes by employees of the Internal Revenue Service, an agency subdivision of the Treasury Department, and that one presidential

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administration used information from non-profit applications with the Internal Revenue Service to slow down or deny the rights of Americans to engage in political speech. Providing data to the Financial Crimes Enforcement Network, knowing that prior presidential administrations have turned a blind eye to the data leaks and punitive actions by agency staff towards political opponents of the executive branch is enough reason for me to believe my First Amendment rights are being infringed when I'm being compelled to provide my client data under threat of unlimited civil penalties and criminal prosecution.

13. My husband has no ownership stake in Leona Consulting Co. However, as my spouse, he most certainly has a substantially controlling position in some of the key decisions about Leona Consulting Co. and how my activities with the company impact our marital issues. Requiring my spouse to be registered with the Financial Crimes Enforcement Network as someone with a substantial controlling interest violates our First Amendment right to associational freedom, and it violates well-settled case law precedent that spouses have a right to marital privacy.

14. Leona Consulting Co. would be forced to incur compliance costs should it file the required reports, including the cost of legal services related to reviewing relevant records and filings. I will also bear the burden of time and costs to maintain CTA compliance for the company I do own with my spouse.

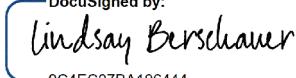
15. Leona Consulting Co. has not filed any beneficial ownership reports with the Financial Crimes Enforcement Network, and I do not intend to disclose the identities of its beneficial owners or those who could be classified as having substantial control (as defined by the CTA) absent a judicial declaration that it is required to comply with the CTA and its implementing regulations. This is because I object to the Act's restrictions on my First Amendment rights, and its invasion of my private papers and effects that have historically been protected by the Fourth Amendment. I further object on the basis that CTA, by design, would require me to be subject to unlimited civil penalties and the threat of imprisonment if I do not

give over to the government the names of clients who direct me, both with instructions and budget, to facilitate the dissemination of their pure political speech, and mine.

16. As a small business owner committed to ensuring we have a healthy democracy where people are free to engage in an exchange of ideas, policies, and support for political candidates, I advocate for the repeal of the CTA to protect the associational privacy interests of Leona Consulting Co.'s beneficial owners and those with substantial control of my company, and to protect individual freedoms to which I am guaranteed by the Constitution of the United States.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 11/15/2024

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Lindsay Berschauer

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